

REMARKS:

Dependent claims 14-24 have been amended to conform them to the amendment made previously to independent claim 13, and should be free of rejection under 35 USC 101.

The Examiner has rejected claims 1-4, 6, 7, 9, 10, 13-16, 18, 19, 21 and 22 under 35 USC 103(a) as obvious over Phillips (US6,192,041, not "Phillip et al." as stated by the Examiner) in view of Karino (US 7,269,165) and further in view of Chowdhury et al. (US2004/0022212 A1). The Examiner has also rejected claims 5, 8, 17 and 20 under 35 USC 103(a) as obvious over Phillips in view of Karino in view of Chowdhury et al., and further in view of Saha et al. (US 2003/0212822 A1). The Examiner has also rejected claims 11, 12, 23 and 24 under 35 USC 103(a) as obvious over Phillips in view of Karino in view of Chowdhury et al., and further in view of Brandenberger (US 6,570,782). The Examiner has also rejected claims 25-31 under 35 USC 103(a) as obvious over Phillips in view of Karino. The Examiner has also rejected claims 32-40 under 35 USC 103(a) as obvious over Phillips in view of Karino and further in view of Cui (US2004/0204069). The Applicants respectfully disagree with the rejections.

A number of claims, including all of the independent claims, have been amended to even further clarify the claimed subject matter.

For example, claim 1 as amended recites:

initiating a set up of an internet protocol (IP) connection between a mobile station (MS) and a computing device (CD), the IP connection being one that terminates at the MS, the initiation of the set up of the IP connection comprising receiving a command from the CD over a local interface between the MS and the CD;

establishing the IP connection between the MS and the CD comprising the MS assigning an IP address to the CD and an IP address to the MS, and configuring an IP protocol stack at the MS; and

in response to receiving over the IP connection an IP message at the MS from the

CD, routing the received IP message to an application that is resident in the MS.

The Phillips reference discloses an operation that appears similar to the "relay mode" of operation discussed in the instant published US patent application 2005/0160173 in paragraph [0003]. Note that Phillips states in col. 3, lines 30-39:

In FIG. 2, the **cellular phone 30**, the base station system 36 and modem 26 **serve merely to access a physical phone line 12. In other words, they function as a solid wire connection to phone line 12.** (emphasis added)

The Examiner refers to col. 3, lines 49-64, for purportedly teaching that an IP connection is set up between a MS and a computing device. This is clearly not the case. What this portion of Phillips actually teaches is the following:

FIG. 3 shows a communication system including a **computer connected to the internet via a cellular telephone** capable of CDMA packet data service. For this system to work, the networking application software must send PPP packets to the cellular phone. Some popular networking application software packages will send PPP packets only after instructing an attached modem 26 to dial a remote modem and only after having received back a notification signal (e.g. a CONNECT signal) that the remote modem and the attached modem have completed their "handshake" protocol. A CDMA telephone wishing to use the packet data service would not use a modem and hence no such notification signal would be received. However, current CDMA phone standards allow the user to initiate PPP data packet transmission by setting the command AT+CRM=1. (emphasis added)

There is no disclosure here of initiating the set up of an IP connection between a computing device and a mobile station. As should be clear, the mobile station (CDMA cellular phone) of Phillips functions merely as a "solid wire connection" to connect the computer to the internet.

This being the case, there is also no disclosure in Phillips of the MS receiving an IP message from the computing device and routing the received IP message to an application that is resident in the MS. Neither col. 2, lines 52-67, or col. 3, lines 49-67, expressly disclose or suggest this

element of claim 1.

It is also not seen where there is any disclosure in Phillips of a "connection between the MS and the CD is over a public telephone line through Internet service provider to access internet" as stated by the Examiner. Phillips discloses that the connection 28 is a "hardwire direct connection" between a laptop and cellular phone (col. 3, lines 14-16).

Turning now to Karino, what is disclosed is a server 18 that assigns dynamic IP addresses to the cellular phones 11 and 13. The proposed combination of Phillips and Karino is clearly not appropriate, since it was shown above that Phillips is devoid of a teaching of establishing an IP connection between the computer and the cellular phone. As such, it is not seen what utility there would be in assigning an IP address to the cellular phone, or what utility there would be in setting up an IP protocol stack in the cellular phone. Further, those sections of Karino cited by the Examiner disclose the server informing the cellular phones 11 and 13 of the IP addresses X, Y and Z. There is no express disclosure of setting up IP protocol stacks.

In any event, part of the amendment to claim 1 makes it clear that there is an operation of "**the MS assigning an IP address to the CD and an IP address to the MS**, and configuring an IP protocol stack at the MS". Support for this amendment is found in the specification at least in paragraph [0030] of the corresponding published US patent application. This merely clarifying amendment also serves to even further distinguish the claimed invention from the proposed combination of Phillips and Karino (which is not admitted is appropriate for at least the reasons argued above).

The Examiner has used Chowdhury et al. for teaching terminating an IP connection on a MS. Without admitting that the Examiner is correct in asserting that Karino does not teach this subject matter, Chowdhury et al. are concerned with IP resource allocation and de-allocation for a mobile station in a wireless system that uses an AAA, NAS and PDSN. It is not understood how this reference would be combined with Phillips and Karino which, as was stated above, do not appear to be combinable themselves.

It is respectfully submitted that claim 1 as now even further clarified by amendment is clearly not rendered unpatentable by the teachings of Phillips, Karino and Chowdhury et al. In that claim 1 is clearly allowable, then all claims that depend from claim 1 are also allowable for at least this one reason alone. Further, any mention of the AT CRM command set in these references does not render the dependent claims unpatentable, as it is an exemplary aspect of the claimed invention to provide an extension to this command set to place the MS into the "Terminating Dial-up Mode" so as to enable an IP connection to be established between the CD and MS (see for example paragraph [0027] of the corresponding US published patent application).

Claim 13 was amended in a manner similar to claim 1, and should thus also be found to be allowable, as should all claims that depend from claim 13.

Claim 25 was clarified by amendment to recite that an apparatus comprises:

a processor configured to communicate over a local interface and over a wireless communication network,

the processor further configured to **initiate setup of an Internet Protocol (IP) connection between said apparatus and a computing device (CD)** with a command received from the CD over the local interface, **where the IP connection terminates at the apparatus,**

the processor configured to establish the IP connection between the apparatus and the CD comprising **assigning an IP address to the CD and an IP address to the apparatus, and configuring an IP protocol stack at the apparatus,** and

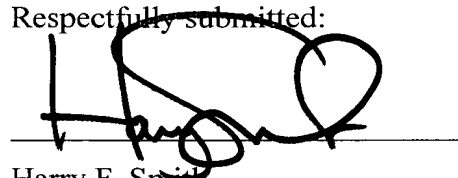
responsive to receiving an IP message from the CD over said local interface, the processor is configured to **route the received IP message to an application that is resident in a memory of said apparatus.** (emphasis added)

For at least the reasons argued above with respect to claim 1, the proposed combination of Phillips and Karino (which is clearly not admitted is suggested or workable) would not render the claimed subject matter unpatentable under 35 USC 103(a). In that claim 25 is allowable; then all claims that depend from claim 25 are allowable for at least this one reason alone.

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Based on the above arguments the references cited cannot be found to disclose or suggest the subject matter found claims 1-40. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-40 and to allow all of the pending claims 1-40 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:



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